

Before The  
Federal Communications Commission  
Washington, D.C. 20554

ORIGINAL

In the Matter of )

Amendment of Part 74 of the )  
Commission's Rules Governing Use )  
of the Frequencies in the )  
Instructional Television Fixed Service )

MM Docket. No. 93-106

To: The Commission

RECEIVED

COMMENTS OF THE CATHOLIC  
TELEVISION NETWORK

JUN 14 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

I. Introduction

The Catholic Television Network, (hereafter "CTN"), hereby submits these Comments in response to the above-captioned Notice of Proposed Rule Making, released April 26, 1993. CTN has provided educational programming to over one hundred schools in the metropolitan San Francisco area as an ITFS operator for over 23 years. CTN is motivated to participate in this proceeding out of concern with the potential negative ramifications of the proposed rule changes on the future availability of ITFS spectrum to be used to disseminate educational programming.

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List A B C D E

II. Lack of Process

In the Notice of Proposed Rule Making ("NPRM"), the Commission states that it is converting four requests for a waiver of Sections 74.931(a) and (e)(2) of the Commission's rules into a rule making proceeding looking towards the liberalization of its ITFS rules to allow "channel loading." Moreover, it is doing so "on an expedited basis...." NPRM at ¶. 9. The Commission acknowledges that the proposed rule changes could well evolve into a de facto reallocation of ITFS spectrum for non-ITFS uses. NPRM at ¶. 15. The Commission readily acknowledges that its principal motivation

in proposing the rule changes is to further bolster the "wireless cable" industry as a competitive spur to conventional coaxial cable.

CTN is concerned that, in its haste, the Commission may rush to judgment at the expense of distance learning and the myriad other potential educational uses of ITFS. CTN believes that, in many ways, the academic community is now at the threshold of being able to fully realize the benefits of ITFS technology. A proceeding with such far-reaching ramifications as this one must proceed in a careful and deliberative manner, preferably by

to hold licenses for the unloaded channels. Just as the respondents

both for day and night school, CTN finds it impossible to believe that the vast majority of educational broadcasters have a bona fide need to serve students 16 hours per day.

CTN fears that, with the proposed rules, too many wireless cable ventures will secure "excess capacity" leases for as many ITFS channels as they can, air bogus educational material for 16 hours per day on the one channel supposedly dedicated for ITFS programming, and air their intended entertainment programming on the rest of the spectrum. As but one example, it has come to CTN's attention that some wireless cable entities appear to be repeatedly replaying a few old taped segments of The Learning Channel, to no particular audience, as a guise for fulfilling the educational programming requirements of the Commission's ITFS rules.

CTN contends that legitimate educational broadcasters need more than a single channel for 16 hour per day, and that the proposed rules will allow wireless cable operators to use and abuse the spectrum.<sup>1</sup>

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<sup>1</sup> Of course, CTN recognizes that the Commission is not mandating that the ITFS licensee agree to channel loading. However, marketplace realities being what they are, the bona fide educators will constantly be competing with entities willing to cede 75 percent of their capacity to wireless cable operators both for

#### V. Fallacy of "Next Logical Step"

The argument that FCC approval of channel mapping makes channel loading the "next logical step," NPRM at ¶. 11, is fallacious. It assumes that educational broadcasters are all simply putting on the minimum required hours of instructional programming, and that they will do so on one channel using channel mapping. Thus, the argument goes, the Commission should just "remove the fiction of channel mapping." In fact, there are many ITFS broadcasters serving matriculating students who require many, if not all, of the channels during certain hours of the day. There is no basis whatsoever to conclude that just because some ITFS licensees are able and/or willing to cram all their educational programming onto one channel, that all are, and that the spectrum should automatically be authorized for less than 25 percent educational use.

#### VI. Channel Mapping

CTN believes that channel mapping is a legitimate technology that allows both ITFS and MMDS viewers transparent use of the

## VII. Digital Compression

Although the NPRM states that the WCA bemoans the tremendous costs it would incur in establishing channel mapping technology, it nevertheless implies that the WCA is favorably inclined to the use of costly digital compression technology. NPRM at ¶. 13. CTN contends that the cost of compression is much higher than the cost of channel mapping, and that a fair proceeding would not consider one without the other.

While CTN recognizes that a quantum leap in technology can occur at any time, its engineers have been tracking the development of compression technology for many years, and it agrees more with NIA's assessment of a 20:1 increase, rather than with WCA's assessment of a 10:1 increase in capacity, based on all indications today. NPRM at ¶. 13.

There are many legitimate ITFS operators who are severely impacted by the four-channel limit, and who could air more educational programming if more channel capacity were to be made available. CTN is aware of some universities, for example, that are forced to videotape some classes during the day and air them at night, due to the limited number of channels. This situation negates the benefits of talkback response channels.

CTN fears that should greater spectrum efficiency become available, ITFS will not be able to take advantage of the opportunities presented, and, indeed, may be even more limited. For example, if a 4:1 compression ratio becomes practical does the Commission propose to limit ITFS entities to just one 6-MHz wide channel in the future? CTN contends that educational broadcasters must be allowed to benefit from technological advances also, and if

more programming paths can eventually be fit into the 24 MHz spectrum for which 74.902 provides. then the ITFS operators should

independent observer, double-blind laboratory testing, that the new format will not produce increased interference to either similar formats or to existing co- and adjacent-channel NTSC operations. Unless the FCC implements this protection, it will only be a matter of time until degradation of long-standing ITFS operations occurs due to zealous implementation of compression schemes by wireless cable operators trying to squeeze in more channels.

IX. The Temporary Proposal Adds Little Value, but Entails High Risk

At various parts of the NPRM, the Commission asserts that wireless cable has revitalized the ITFS service, e.g., NPRM at ¶. 17. Although, in theory, this should have happened, it has been CTN's experience that, in ten years, little or no practical benefits have been realized by bona fide ITFS operators. In contrast, CTN has spent somewhere between one-and-a-half to two hundred thousand dollars over the last decade in protecting its operations from interference from proposed MMDS operations, and gotten little in return. It knows of many other ITFS operators who have had the same or similar experiences. The Commission now proposes other rules which are designed to bolster MMDS for a temporary time period of from three to five years. NPRM at ¶. 16.

CTN contends that, in light of the impending stiff competition which the wireless cable industry will face from direct broadcast satellites, high-definition magnetic media, fiber to the home, and high-speed digital programming paths to the home, the small benefits proposed offer little more to the wireless industry but create high risk to educational programming. CTN believes there to be a real risk that the proposed changes will generate short-lived wireless ventures which will degrade the precious educational



spectrum resource, only to disappear within a few years when better delivery media comes to fruition.

X. Conclusion - The Commission Should Safeguard the Primary Purpose of ITFS

The Commission seeks comment on additional means of safeguarding the primary purpose of ITFS in the event it permits the use of channel loading. NPRM at ¶. 17. CTN is deeply concerned that authorization of channel loading will prompt a